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**From:** MacDonald, Alex@Waterboards [Alex.MacDonald@waterboards.ca.gov]  
**Sent:** 5/10/2018 3:34:20 PM  
**To:** Lane, Jackie [Lane.Jackie@epa.gov]; Keller, Lynn [Keller.Lynn@epa.gov]  
**Subject:** FW: Area 40 Remedial Action Plan (RAP)

One last set

**From:** Allen Tsao [mailto:Ex. 6 Personal Privacy (PP)]  
**Sent:** Monday, May 07, 2018 3:52 PM  
**To:** MacNicholl, Peter@DTSC <Peter.MacNicholl@dtsc.ca.gov>  
**Cc:** Rohrer, Jim@DTSC <Jim.Rohrer@dtsc.ca.gov>; gsg444@sbcglobal.net; Janis Heple <jaheple@ucdavis.edu>; jaheple@dcn.org; MacDonald, Alex@Waterboards <Alex.MacDonald@waterboards.ca.gov>  
**Subject:** Area 40 Remedial Action Plan (RAP)

Pete,

I have concerns regarding the RAP that is out for public comments.

- 1) There is no numeric cleanup goals in the RAP. The cleanup goals refers to an upcoming remedial action work plan (after the RAP is signed). Does DTSC expect the public to provide input on a remedy that has no remedial cleanup goals? I cannot think of any other instance where a numeric cleanup goals is not provided in a RAP unless the only remedy is a landuse control or a no action.
- 2) There is no list of contaminants of concern that I can tell. The screening level Table 1 is the closest thing. But that is just a screening level. If you wanted to tell me that the screening level is the cleanup goal, that would be good but the RAP does not articulate or provide a list of contaminants of concern. So how does the public provide fully informed input w/o the benefit of knowing what the contaminants of concern are?
- 3) The RAP talks about "unacceptable exposure." I understand different exposure scenarios would generate their own set of contaminant level in soil/groundwater that would then be in turn expressed as "unacceptable exposure." It is completely unclear what the exposure scenarios are and what the expected future landuse will be.
- 4) I read some where in one of the tables that talks about putting up fencing as a way to protect wildlife. Animals can fly over fence, dig under a fence. How does a park dissuade wildlife from going there? Does food-chain impact from ingesting contaminated soil and food items affect the upper-trophic level animals? How about soil vapor to burrowing animals such as the Western Burrowing Owls? The Remedial Action Plan does not appear to address those species and those food-chain uptake scenarios.
- 5) It is completely unclear what is the preferred action that DTSC is in favor of in the Remedial Action Plan. side note: Just spoke w/ you today. Thank you for pointing out that DTSC's preferred alternative is Alternative 4. But it's not coming across very clearly in the RAP.
- 6) Where is the CEQA document per your public notice? This should be posted on your Envirostor. Please send me a link to it.
- 7) Please send me comments your human health and ecological risk assessors made on this and the previous reports. You should post the RI/FS on your Envirostor.
- 8) Figure 1 – The color used for "community commercial" and "multi-family high density" are not distinguishable. Please clarify.
- 9) Please clarify how "community commercial" is different from "commercial" landuse? Can only community resident own the commercial property?

10) Given that DTSC is the lead agency and therefore it makes sense for it to publish the Remedial Action Plan and the associated CEQA document. Given that is the case for Area 40, why is there a discussion of Applicable or Relevant and Appropriate Requirements (ARARs)? ARARs only comes to play if the lead agency is a federal government. For Area 40, the State of California is the lead agency and it deals with Aerojet, a private entity. So who is looking to accept or waive ARARs? I understand that a MOU is still being worked out between the State of California and the US EPA – so until that is finalized and signed, it appears that it is premature to release the RAP for public input. I want all of Waterboard's laws and regulations be applied in full force here. The US EPA did not accept the Regional Board's proposed ARARs before, and it was raised as a concern at one of its Board meetings for OU-5 Record of Decision. I would like to see DTSC accepts the Regional Water Board's Basin Plan without any condition for Area 40.

I do not think a reasonable person can make informed comments w/o DTSC resolve those comments above. Therefore, I urge you to consider to revise the Remedial Action Plan and submit for public comments when it is ready.

Thank you,  
Allen Tsao